



INSTITUTE FOR CONSTITUTIONAL ADVOCACY AND PROTECTION
GEORGETOWN UNIVERSITY LAW CENTER

November 2, 2022

VIA CM-ECF

Hon. Lewis J. Liman
United States District Court., Southern District of New York
500 Pearl Street
New York, NY 10007

**Re: Motion to Refer Case to Magistrate Judge for Settlement and to Stay All
Discovery for 60 Days, McGill v. New York, Case No. 21-cv-08619 (S.D.N.Y)**

Dear Judge Liman,

The parties jointly and respectfully move the Court for an order (a) referring the parties to the assigned Magistrate Judge for settlement discussions, and (b) staying all discovery for a period of 60 days. The parties believe that this will help ensure the most “just, speedy, and inexpensive resolution” of the action. *See Fed. R. Civ. P. 1.*

In the initial and amended case management and scheduling orders, the parties jointly proposed referral to a magistrate judge for settlement discussions at the appropriate time. Dkt. Nos. 36, 44. The parties have initiated settlement conversations among themselves, are hopeful that a settlement can be reached, and believe that referral to a Magistrate Judge will be productive in reaching an agreement.

The parties further agree that an order staying discovery is needed to maximize the effectiveness of settlement discussions. Currently, the close of fact discovery and deadline to complete depositions is November 21. Expert discovery is due January 6, 2023, with a status conference scheduled for January 12, 2023.

A stay of discovery is needed because there are three depositions scheduled to take place during the upcoming weeks: on November 10, 15, and 16. If discovery is not stayed, the parties’ attention and resources will be focused on conducting these depositions and completing other fact discovery. A stay will make settlement more attractive by allowing the parties to avoid having to incur these costs.

Moreover, the parties have a discovery dispute that is ripe for judicial intervention, which will be brought to the Court’s attention immediately if this motion is denied. A stay of discovery will spare the Court and the parties unnecessary motion practice should the matter settle.

Granting this motion will maximize the likelihood that this matter can be resolved expeditiously and without imposing additional costs on the parties or the Court. Therefore, the parties jointly request this Court to grant the motion, refer the matter to a Magistrate Judge for settlement discussions, and stay all discovery for a period of 60 days.

Respectfully submitted,

/s/ Seth Wayne

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